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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,077	02/19/2002	Katsutoshi Tenma	UNIU56.001AUS	7042
20995	7590	11/04/2003	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MARSH, STEVEN M	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR				
IRVINE, CA 92614			3632	

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,077	TENMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven M Marsh	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 July 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) 5, 16, and 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

This is the second office action for U.S. Application 10/079,077 for a Supporting Device for Non-Averaged Force filed by Katsutoshi Tenma et al. on February 19, 2002. Claims 2 and 4 have been canceled.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on February 20, 2001 and September 28, 2001. It is noted, however, that applicant has not filed a certified copy of the 2001-42868, 2001-301225, and 2001-301292 applications as required by 35 U.S.C. 119(b).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

#### ***Claim Objections***

Claims 5, 16, and 19 are objected to because of the following informalities: The word "flame" should be deleted and replaced with - - frame - -. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "the other portion of the inner circumference of the frame" in line 12 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 7-9, 15-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent 2001349470. Patent 2001349470 discloses a frame with a ring (11) that is adapted to encircle a pipe body and be fixed to a supporting portion and a fixing mechanism (23) that fixes the pipe body to the frame. Part of the frame is concave and the frame comprises a mounting seat portion (14) fixed to a supporting portion (12), a pipe supporting portion rising from the mounting seat portion (portion that contains the pipe), and a rib (16) in line with the axial direction. The fixing mechanism is arranged in that a plurality of wedge bodies (or movement blocking bodies, 20) are provided, that are capable of blocking movements of the pipe body in a pipe axial direction with respect to the frame, upon being pressed against an outer surface of the pipe body through pressing force acting from the frame towards the pipe body.

There are also edge portions (see fig. on 4<sup>th</sup> page, the bottom of 15, parts 18a and 18b, and the portions on each end of 18a and 18b labeled 22) for receiving an outer surface of the pipe body, which are formed on a portion of an inner circumference of the frame in a circumferential direction, peripheral direction, or axial core direction, and indented (at the portion between 15 and the ends 18a and 18b) and inclined with respect to an axial core direction. The edge portion is in a posture that is in line with a peripheral direction of the first receiving portion or the second receiving portion, and there are a plurality of edge portions disposed at specified intervals in the peripheral direction and an axial core direction of the first and second receiving portions. Male screw members (21) are provided on a portion of the frame and press against the outer surface of the pipe body. The wedge bodies are disposed at specified intervals in the pipe axial direction such that the directions of wedge actions of one pair of wedge bodies are opposite with respect to one another.

***Claim Rejections - 35 USC § 103***

Claims 5, 6, 10-14, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 2001349470 in view of Smith. The 2001349470 patent does not disclose a frame with first and second receiving portions comprising first and second halves of the frame. Smith discloses a supporting device for a pipe with a frame (11 and 12) that is adapted to encircle a pipe and a fixing mechanism (35) that fixes a pipe body to the frame. The frame has a belt body with a first receiving portion (11) that is half of the frame and has an arc-shaped edge portion (38 or 39) that can

receive an outer surface of a pipe body from one side in a radial direction, and a second receiving portion (12) that is another half of the frame and has an edge portion (38 or 39) that can receive an outer surface of the pipe body from the other side.

The first and second portions are connected by a coupling means (43), detachable, and can be released from engagement with the pipe body. The edge portion is in a posture that is in line with a peripheral direction of the first receiving portion or the second receiving portion, and there are a plurality of edge portions disposed at specified intervals in the peripheral direction and an axial core direction of the first and second receiving portions. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have constructed the frame taught by the 2001349470 patent with 1<sup>st</sup> and 2<sup>nd</sup> receiving portions, as taught by Smith, for the purpose of providing a frame that can be detached and easily separated from a pipe.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Steven M. Marsh

October 30, 2003



Korie Chan

Primary Examiner